

**NATURAL RESOURCE COMMISSION[571]**

**Adopted and Filed**

**Rule making related to establishing a safety zone on Beaver Creek**

The Natural Resource Commission (Commission) hereby amends Chapter 40, “Boating Speed and Distance Zoning,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 321G.2, 321I.2, 462A.3 and 462A.26.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321G.2, 321I.2, 462A.3 and 462A.26.

*Purpose and Summary*

Beaver Creek is a small river with increasing recreational use that is encouraged in part by publicity surrounding the City of Johnston’s sponsorship of a recreational water trails plan. Beaver Creek flows through the Camp Dodge military reservation in Polk County. As recreation has increased on Beaver Creek, concerns among Iowa National Guard personnel at Camp Dodge have increased because of the potential for accidental injury and death at the facility’s live-fire practice range. Beaver Creek is within a “surface danger zone,” which is the area designated within the Camp Dodge training complex for containment of projectiles, fragments, debris, and components resulting from the firing, launching, or detonation of weapon systems, including explosives and demolitions. Currently, members of the public are potentially unaware of this danger when passing through the Camp Dodge facility via Beaver Creek. This rule making creates a safety zone into which access may be prohibited when clearly identified by signage in order to reduce risk to public safety. If at some future date live-fire ammunition is no longer used during training exercises at Camp Dodge, the Commission may seek to rescind this rule.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 15, 2020, as **ARC 4855C**. A public hearing was held on February 4, 2020, at 2:30 p.m. at the Wallace State Office Building, Des Moines, Iowa. One member from Camp Dodge attended in support of the new rule. No changes were requested. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Commission on May 14, 2020.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

### *Waivers*

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making will become effective on July 22, 2020.

The following rule-making action is adopted:

Adopt the following **new** rule 571—40.61(321G,321I,462A):

**571—40.61(321G,321I,462A) Beaver Creek safety zone.** A safety zone is hereby established on Beaver Creek within the property boundaries of the Camp Dodge military reservation in Polk County.

**40.61(1)** Watercraft and vehicles shall be prohibited from entering the safety zone in order to prevent access to areas within Camp Dodge where a hazard to the public may exist. This prohibition shall not apply to watercraft or vehicles explicitly authorized to enter the safety zone by the Iowa national guard. The safety zone boundaries shall be indicated by signage including the wording “Warning, Restricted Area, No Entrance.” The Iowa national guard shall be responsible for the acquisition, placement, and maintenance of any signage.

**40.61(2)** The safety zone shall be recognized by the state of Iowa only where signage is posted as required. Any section of Beaver Creek that is not designated as a safety zone shall remain open to any otherwise lawful public access.

**40.61(3)** Signs establishing the safety zone boundaries may be moved within the present or future boundaries of Camp Dodge at the sole discretion of Iowa national guard personnel. The Iowa national guard shall notify the department of natural resources when the location of the safety zone boundary is changed.

This rule is intended to implement Iowa Code sections 321G.2, 321I.2, 462A.3, and 462A.26.

[Filed 5/21/20, effective 7/22/20]

[Published 6/17/20]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/17/20.